

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Ombudsman

Tonya Vidal Kinlow
Ombudsman



To: Mayor Adrian Fenty
Council Chairman Vincent Gray

CC: Councilmember Carol Schwartz
Councilmember David Catania
Councilmember Phil Mendelson
Councilmember Kwame R. Brown
Councilmember Jim Graham
Councilmember Jack Evans
Councilmember Mary M. Cheh
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Chancellor Michelle Rhee
State Superintendent Deborah Gist
State Board of Education Members
Public Charter School Board Members

From: Tonya Vidal Kinlow
Ombudsman for Public Education

Date: April 7, 2008

Re: Office of the Ombudsman February 2008 Case Report

The Office of the Ombudsman submits the attached report and analysis of its February 2008 cases for your information. Please feel free to contact Tonya Vidal Kinlow at (202) 442-6363 if you have questions or need additional information.

Office of the Ombudsman for Public Education

February 2008 Case Report

Each month the Office of the Ombudsman provides a report summarizing its activity. Distinct from the traditional constituent services operations, the Office of the Ombudsman practice includes analysis of deep rooted issues and development of interventions that correlate analysis, at the individual, group and institutional levels. The Ombudsman uses individual cases to identify systemic problems. Each case provides an opportunity to evaluate the public education system for process and policy improvements.

When working to resolve issues, the Ombudsman acts independently, informally and neutrally. The Ombudsman is not an advocate for either side, but advocates for processes that lead to problem resolution and system reform. This report details the activity of the office in February 2008.

Issues Report and Analysis

Consistent with the cases that the Ombudsman worked on in prior months, in February 2008 the number of student-related issues surpassed the concerns presented by public school staff. In this report, the Ombudsman staff began using multiple codes for individual cases that involved more than one issue. As a result, the number of issue codes will exceed the total number of individual cases. The office responded to 68 individual cases that included 88 issues. In February, the Ombudsman addressed 81 student-related issues and 7 staff issues. Additionally, we introduced a new code, Student Communications (SCM), to document concerns about ineffective communication between home and school that parents and students report. The modification in our data collection and reporting represents our ongoing efforts to more accurately capture data, as well as document the types of issues and intensity of cases that the office addressed.

Figure 1 shows the frequency of the issues that the Office of the Ombudsman addressed on behalf of individuals.

Issue Code	Definition	Frequency of Issue Reported
PAM	Personnel Administrative	2
PAT	Personnel Termination	1
PPB	Personnel Pay/Benefits	1
PPX	Personnel Other	1
PSH	Personnel Safety/Harassment	2
SAM	Student Administrative	16
SCM	Student Communications	11
SMD	Student Medical	1
SSE	Student Special Education	9
SSS	Student Safety/Abuse/Bullying	14
SST	Student Suspension Truancy	25
SPX	Student Other	5

Figure 1 – Case Code Definitions

Figure 2 is a breakdown of cases by the types of issues individuals needed help with. In total, student related issues comprised 93 percent of the February Ombudsman cases. Personnel issues made up the remaining 7 percent.

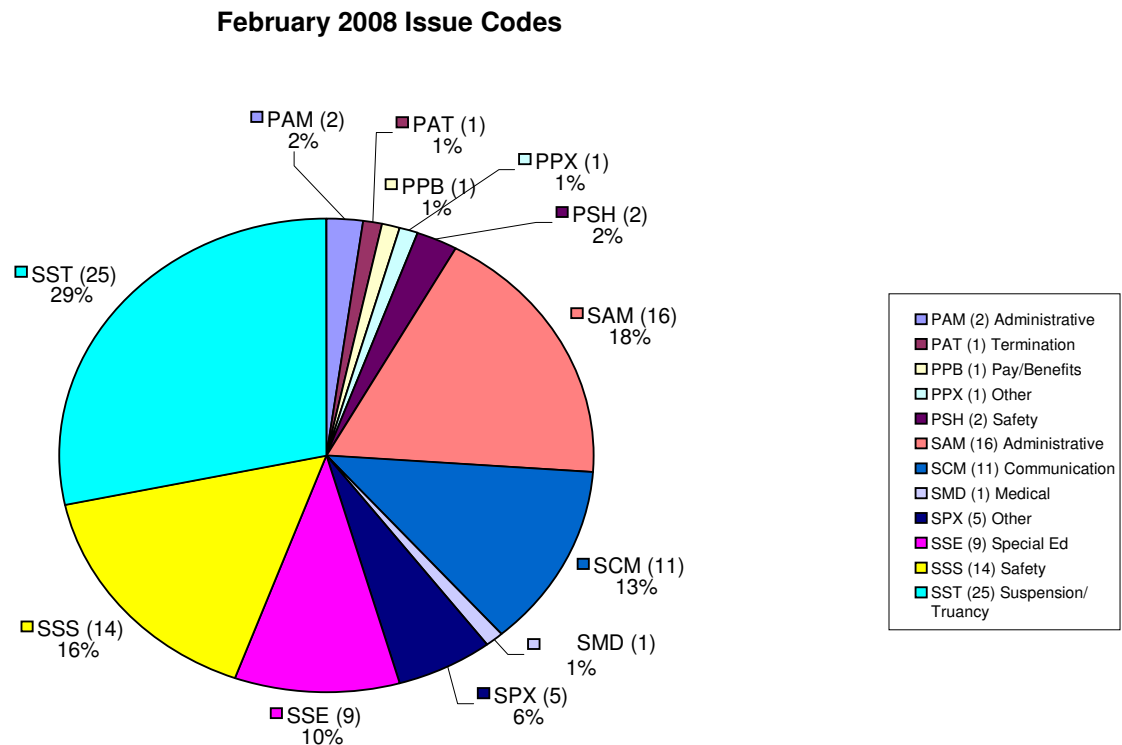


Figure 2 – Cases by Issue

The addition of the new code, Student Communications (SCM), helped to capture the frequency with which individuals expressed concern about communication between home and school. It represented 13 percent of all issues. Communications issues ranged from parents requesting regular information about student progress from the school to how school staff communicates with parents and students. In one case, a parent contacted the Ombudsman about a principal who publicly embarrassed her child about a medical condition. The parent went to discuss the issue with the principal and the principal chastised her. Following the meeting with the principal, the parent called the Ombudsman to report the incident. When the individual agrees to a facilitated meeting, the Ombudsman will act as mediator with a goal toward an agreed upon plan of action. This parent was satisfied with the Ombudsman communicating her concern to the principal and ruled out a facilitated meeting.

Special education issues made up 10 percent of all February cases. Parents contacted the Ombudsman for help getting multi-disciplinary team and Individual Education Plans (IEP) meetings conducted, as well as to seek alternative placement. The Ombudsman helps to coordinate school and parent activity when the special education process becomes stagnant. The Ombudsman intervenes to prevent the problem from escalating to the point where a parent feels

they need a lawyer to help resolve special education disputes. Based on interaction with special education families, cases that end up in the adjudication process take an average of 12 to 18 months to resolve. While the case is in the legal process, the student's special education needs go unaddressed.

In some cases, parents seeking special education supports for their child need other help. For example, a parent contacted the Ombudsman for help releasing custody of her child to the state. She was overwhelmed with her child's behavioral issues. Six months earlier, the parent believed she had engaged an attorney to help her get special education supports for her child. After working with public school officials, the Ombudsman learned that the attorney never filed an IEP request and that the child did not need special academic supports. However, the student did have behavioral health issues that the Ombudsman and public school officials helped the parent coordinate.

Student Issues

Figure 3 focuses on the student related cases. Student suspensions and truancy, at 31 percent, and administrative issues, at 20 percent, topped the list of these concerns. Safety issues also ranked high on the list of issues, at 17 percent of cases.

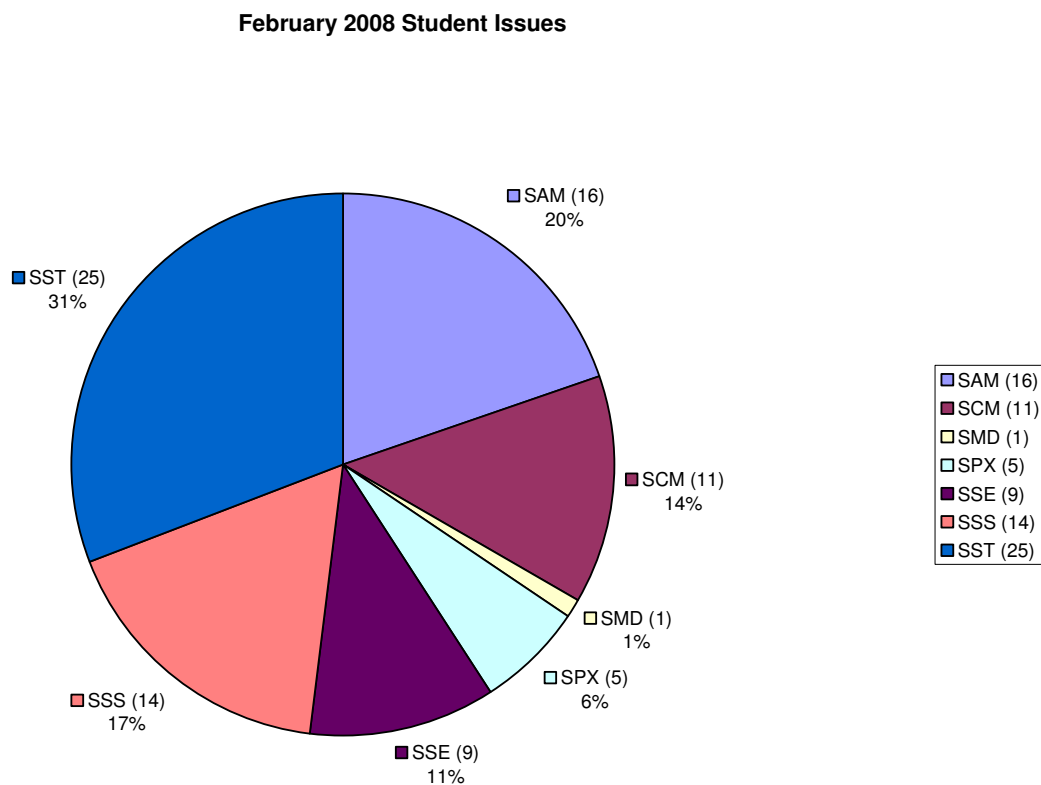


Figure 3 – Student Issues

Student Suspension and Truancy (SST)

The issue of Student Suspension and Truancy continues to top the concerns that the Ombudsman office responds to about students. Truancy has multiple negative impacts on academic success for both the individual and the school system. Truants are more likely to drop out of school altogether. Truancy effects a school's ability to meet No Child Left Behind adequate yearly progress (AYP) standards. Truancy causes school districts to lose federal funding.

February case data shows that 31 percent of the student-related cases were about suspension and truancy. Truancy is often a byproduct of the suspension policy. When schools suspend or expel students, it is important to have a detailed transition plan to make sure the student returns to or enrolls in another school. For example, school administrators had transferred a student suspended in October 2007 to a new school. The family did not know about the transfer and the child stayed out of school for four months until contacting the Ombudsman. The case identified problems in communication and suspension practices, and resulted in truancy. The following case also highlights the results of an uncoordinated suspension policy and its relationship to truancy.

A charter school expelled a 14-year old English language learner (ELL) student with ADHD. The school promised to help transfer the student to another school, provide a list of other possible schools, and a letter explaining the expulsion. After a week, the charter school had only provided the expulsion letter. Without the other supports, the mother sought placement in a DC public school. Since the student did not have documentation, DCPS officials placed the student on a non-attending status while developing a full status option. During the review of this case, the Ombudsman found that the charter school did not have a documented student discipline policy. The student did not have any right to appeal or review the school's expulsion decision at the school level, but could have appealed to the school's Board of Directors. However, the school never explained that option to the parent. The Office of the Ombudsman helped to coordinate the student's enrollment in DCPS. It took seven weeks from the time of the charter school expulsion to the full enrollment in DCPS.

The case highlights several key issues that demonstrate the need for increased coordination among public schools. The problem is more complex when students transition between two public education systems. The differences between the systems' disciplinary policies and procedures create a structural breach in the education safety net that the Office of the State Superintendent for Education should work to close. Possible corrective actions will include the involvement of all public education policy makers and should include:

- Providing an explanation of the truancy policy in all enrollment materials and as part of the communications that schools make to parents
- Establishing a uniform, well-defined and well-communicated student discipline policy for each public education sector

- Establishing a coordinated, alternative education program/schools for all public charter school students on long-term suspension
- Development of a clearly defined policy on the responsibility of public schools to provide special education services for students while a student is on long-term suspension
- Creating a policy limiting the transfer of students from one public school system to another after a defined time in the school year

Student Administrative

Classroom placement issues made up a majority of the Student Administrative issues that the Ombudsman received in February. The Ombudsman facilitated meetings between school staff that sometimes resulted in classroom reassignment. In other cases, Ombudsman intervention resulted in an agreement between the school and the family to increase communication, monitor student progress and provide additional academic supports.

Student Safety

School environment and school safety is a growing concern among public school staff, students and families. The issue was the source of 17 percent of the February cases. School environment and safety impacts every aspect of an academic environment, from establishing an opportunity to learn during classroom time to creating a safe passage for students to get to school in order to learn. Cases involving student-on-student violence seemed to escalate in February. The Ombudsman received requests for support on this issue from schools in across the city and at every level, elementary, middle and high school. In two cases, individuals reported incidents where several students assaulted one student. The victim in each of these incidents incurred multiple injuries. Parents reported problems getting copies of the incident reports and having the rights of the victim recognized. These cases highlight several operational issues that public school officials should consider, including:

- Establishing a clearly defined process that school-based personnel should use to notify parents and central administration when safety incidents occur
- Working with school security to determine when school officials should call the Metropolitan Police Department about an incident
- Streamlining the process that parents need to follow to get a written report of the incident
- Reevaluating the contract with Hawk One Security, including performance and staffing protocols
- Conducting school-based mediated discussions to encourage and promote peaceable schools

Personnel Issues

Figure 4 shows a breakdown of the personnel issues addressed by the Office of the Ombudsman.

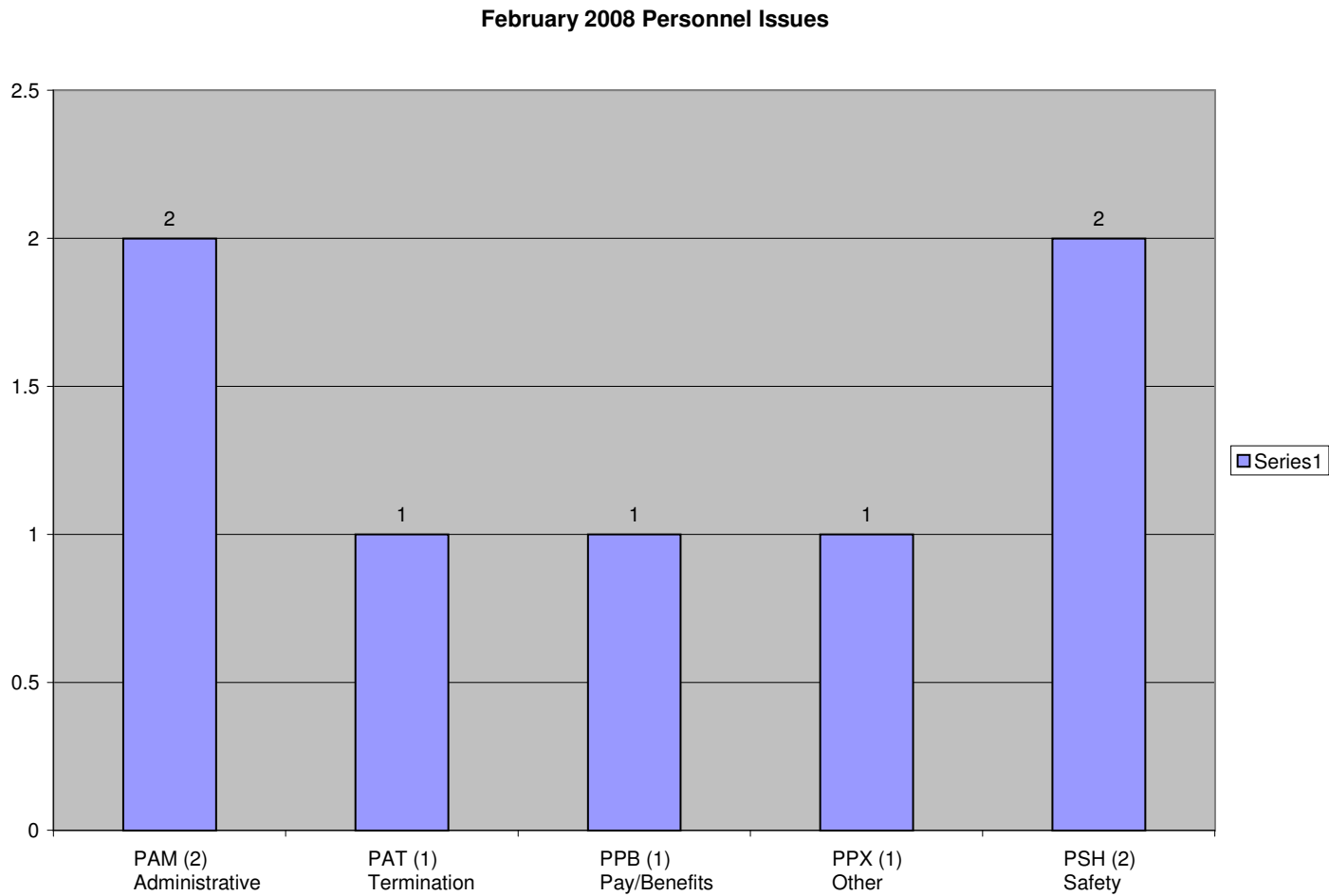


Figure 4 – Personnel Issues

Cases by Public Education System

Figure 5 shows the number of requests for support by public education system. The office responded to 55 individuals who had concerns with the District of Columbia Public School (DCPS). Two people contacted the office with concerns about the University of the District of Columbia (UDC). Public Charter School (PCS) represented 11 of the 68 cases.

February 2008 Case Profile by Public Education Sector

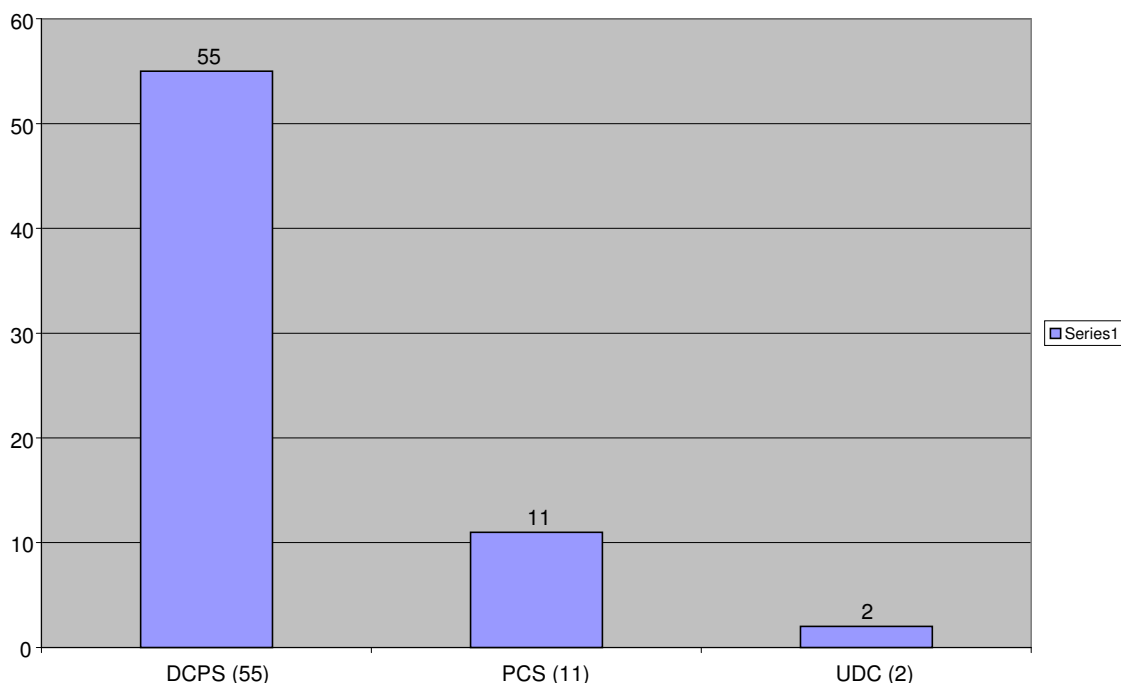


Figure 5 – Number of Cases by Public Education System

Office of the Ombudsman Update

The Office of the Ombudsman is at staff capacity, including an Ombudsman Associate, Ombudsman Specialist and a Constituent Service Representative. The staff includes two professionally-trained mediators, with experience in Family Group Conferencing and Community Conferencing. Both of these processes are proven strategies in resolving problems within families and between schools and families. In addition to these services, the Office has the capacity to mediate disputes informally and to coordinate necessary supports from other government agencies.

We are currently engaged in a public outreach campaign. Staff is attending meetings to inform the public about the role of the Ombudsman and explain the services we offer. Our goal is to participate in at least three community events, such as Advisory Neighborhood Commission, Civic Association and parent group meetings, each week. We are also meeting with representatives in community organizations that serve children. DC Public Schools television developed a public service announcement about the office that the station is running on cable Channel 99.